

THIRTEENTH DAY

(Tuesday, February 2, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Blanchard Creighton

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Blanchard was granted leave of absence for today on account of important business on motion of Senator Christie.

Reports of Standing Committees

Senator Word submitted the following report for the Committee on Legislative, Congressional and Judicial Districts:

S. C. R. No. 1.

Senator Mauzy submitted the following reports for the Committee on Education:

S. B. No. 96.

S. B. No. 98 (Amended).

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator McKool:

S. B. No. 169, A bill to be entitled "An Act relating to removing from the State Board of Insurance rate-making authority for automobile insurance and setting standards for rates which may be charged; providing formal regulatory controls for use if independent action and price competition fail; authorizing cooperative action among insurers and regulating such cooperation; amending Articles 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, and 5.09 of the Texas Insurance Code; adding Articles 5.09A, 5.09B, 5.09C, 5.09D, and 5.09E to the Texas Insurance Code; amending Section 35 of the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Insurance.

By Senator Kennard:

S. B. No. 170, A bill to be entitled "An Act to prohibit the sale or shipment for use in the State of Texas of the chemical compound known as DDT and other chlorinated hydrocarbons and other products treated therewith; prescribing a penalty for violation; and declaring an emergency."

To Committee on Environment.

By Senator Kennard:

S. B. No. 171, A bill to be entitled "An Act providing for regulation of the use, transportation, storage, and disposal of pesticides; creating the Texas Pesticide Control Agency; prescribing the agency's organization, powers, duties, and functions; prescribing a penalty for violation of its rules; and declaring an emergency."

To Committee on State Affairs.

By Senator Kennard:

S. B. No. 172, A bill to be entitled "An Act to prohibit the traffic of endangered species; prescribing a penalty for violation; and declaring an emergency."

To Committee on Parks and Wildlife.

By Senator Kennard:

S. B. No. 173, A bill to be entitled "An Act to prohibit the sale of certain wild animals or wild animal products; prescribing a penalty for violation; and declaring an emergency."

To Committee on Parks and Wildlife.

By Senator Herring:

S. B. No. 174, A bill to be entitled "An Act to amend the governing instruments of private foundations and non-exempt split-interest trusts to require certain distributions, prohibit certain self-dealing, prohibit excess business holdings, describe authorized investments, and prohibit certain expenditures; enacting other provisions relating to the subject; providing a severability clause; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Herring:

S. B. No. 175, A bill to be entitled "An Act to amend Chapter 840, Acts of the 61st Legislature, 1969 (Article 1528f, Vernon's Texas Civil Statutes), the Texas Professional Association Act; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Herring:

S. B. No. 176, A bill to be entitled "An Act amending the Texas Non-Profit Corporation Act to amend the articles of incorporation of private foundations to require certain distributions, prohibit certain self-dealing, prohibit excess business holdings, describe authorized investments, and prohibit certain expenditures; enacting other provisions relating to the subject; providing a severability clause; and declaring an emergency."

To Committee on Jurisprudence.

By Senator McKool:

S. B. No. 177, A bill to be entitled "An Act amending Section 6, Chapter 6, Acts of the 43rd Legislature, 1st Called Session, 1933, as added (Article 2654b-1, Vernon's Texas Civil Statutes), relating to exemption from fees of veterans of the Cold

War; and declaring an emergency."

To Committee on Education.

By Senator Sherman:

S. B. No. 178, A bill to be entitled "An Act relating to the status of retired judges as judicial officers; amending Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes), by adding a new Section 7A; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Sherman:

S. B. No. 179, A bill to be entitled "An Act relating to the Juvenile Board in Potter County; amending Section 5, Chapter 426, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2338-3, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Sherman:

S. B. No. 180, A bill to be entitled "An Act relating to the creation of the constitutional office of criminal district attorney of Deaf Smith County and abolishing the office of county attorney of that county; providing for the hiring of assistants, an investigator, and a stenographer; providing for severability; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Sherman:

S. B. No. 181, A bill to be entitled "An Act providing for the appointment by the District Judge of the 69th Judicial District of Texas, composed of the Counties of Dallam, Deaf Smith, Hartley, Moore, Oldham, and Sherman, of an official shorthand reporter for the judicial district; providing his qualifications; providing that the salary of the official shorthand reporter shall be fixed and determined by the judge of the judicial district and not otherwise; providing for the manner of payment of the salary and out of what fund; providing for transcript fees and allowance for hotel and traveling expenses; providing a saving clause; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Herring:

S. B. No. 182, A bill to be entitled "An Act creating a Texas State Judicial Council for Adult Probation; prescribing duties and powers; defining terms; providing an effective date; prescribing membership, duties and powers of the Executive Board; prescribing qualifications, duties and powers of Executive Director; providing for appointment and removal of chief probation officers; providing for residence transfers by probationers; providing for granting of probation by sentencing judge; prescribing probation fees; prescribing duties and powers of chief probation officers; providing for recruitment of service volunteers; providing for Councils of Community Correction; prescribing membership qualifications, duties, and powers of Councils; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Bates:

S. B. No. 183, A bill to be entitled "An Act reenacting and amending Sections 2(e), 5(d), 8(b), 10(d) to (f) incl., 13(c) and (f), 14, 17(a), 20, 21, 24, 32, 33, 34, 35, 50, 51, 52, 55, 56, 57, 58, 60(b), 62, 64, 65, 66, 68(a) and (d), 69, 72, 73, 74, 75(a), 79, 81(c), 86, 87, 90, 91, 92, 93, 95, 96, 97, 99, 104, 108(c), 109, 110(a) and (b), 111(a) and (b), 112, 113, 114, 115, 116(b), 117, 118, 120, 121, 122, 123, 124, 125(c) to (e) incl., 126(a) and (b), 127(b) and (c), 128, 129, 131(b) and (c), 132, 134(a), 136, 137, 138, 139, 167(a), 170(b), 18(b) and 27 of Chap. 421, Acts of the 50th Leg., 1947, as amended (Art. 6701d, Vernon's Texas Civil Statutes); adding Sections 2(f) to (m) incl., defining bicycle, implement of husbandry, light truck, motor-driven cycle, passenger car, special mobile equipment, trackless trolley coach and muffler; adding Sections 9(c) and (d) defining State and urban district; adding Sec. 13(h) defining arterial street; adding Sec. 14(c) on alley and street junctions; adding Sections 20A, 20B, 20C, 20D, 20E, 20F, 20G and 20H on miscellaneous definitions; adding Sec. 35A on lane-direction-control signals; adding Sec. 50A on homicide by a vehicle; adding Sec. 60(d) on installation of official traffic-control devices; adding Sections 76(c) and (d) on pedestrian privileges and restrictions; adding Sec. 78(d) on pedestrian jaywalking; adding Sec. 81(d) on per-

sons guarding vehicles; adding Sec. 91A on stop signs and yield signs; adding Sections 108(d) to (g) inclusive, on motor vehicle equipment approval procedure; adding Sec. 111(c) on tail lamps; adding Sections 131(d) to (g) inclusive, on flashing and emergency lighting equipment; adding Sec. 134A on mirrors; adding Sec. 134B on windshields and windshield wipers; adding Sec. 139A on safety guards or flaps; adding Sec. 139B on air-conditioning equipment; adding Sec. 139C on television receivers; adding Sec. 139D on seat belts; adding Sec. 139E on motorcycle equipment; adding Sec. 169A on motorcycle speed limits; adding Sec. 173 on backing limitations; adding Sec. 174 on riding motorcycles; adding Sec. 175 on obstruction to driver's view; adding Sec. 176 on opening and closing vehicle doors; adding Sec. 177 on riding in house trailers; adding Sec. 178 on effect of regulations; adding Sec. 179 on traffic laws applying to persons riding bicycles; adding Sec. 180 on riding bicycles; adding Sec. 181 on clinging to vehicles; adding Sec. 182 on riding upon roadways and bicycle paths; adding Sec. 183 on carrying articles by bicycles; adding Sec. 184 on lamps and other equipment on bicycles; adding Sec. 185 on racing upon highways; adding Sec. 186 on fleeing or attempting to elude a police officer; adding Sec. 187 on driving upon sidewalk; repealing Sections 108B and 139a, Chap. 421, Acts of the 50th Leg., 1947, as amended (Art. 6701d, Vernon's Texas Civil Statutes); repealing Articles 795, 798, 822 and 827e-1 of the Penal Code of Texas, 1925; and declaring an emergency."

To Committee on Transportation.

By Senator Watson:

S. B. No. 184, A bill to be entitled "An Act relating to the accumulated vacation and sick leave and payment to estates of employees; amending Section 1, Chapter 217, General Laws, page 633, Acts of the 61st Legislature, Regular Session, 1969, (Article 6252-8a, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on State Departments and Institutions.

By Senator Watson:

S. B. No. 185, A bill to be entitled "An Act relating to the change of the name of the Commission for Reha-

bilitation; amending Sections 2(a), 3, and 4, Chapter 40, General Laws, pages 103 and 105, Acts of the 61st Legislature, Regular Session, 1969, (Article 2675-1, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on State Departments and Institutions.

By Senator Word:

S. B. No. 186, A bill to be entitled "An Act relating to the making of guaranties by corporations; amending Section B, Article 2.06, Texas Miscellaneous Corporation Laws Act, as amended (Article 1302-2.06, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Jurisprudence.

By Senator Wallace:

S. B. No. 187, A bill to be entitled "An Act enabling County Commissioners Courts to supplement the compensation of Justices of the Courts of Civil Appeals from county funds; and providing expressly that such compensation shall be in addition to the amounts paid to the Justices by the state; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Moore:

S. B. No. 188, A bill to be entitled "An Act relating to the amount of money a convict is entitled to receive from the State of Texas at the time of release or discharge from the state penitentiary; amending Section 28, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166z1, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on State Affairs.

By Senators Brooks, Watson and Wallace:

S. B. No. 189, A bill to be entitled "An Act authorizing school districts to contract with other school districts or with public or private post-secondary educational institutions and trade and technical schools to provide vocational classes; amending Subchapter D, Chapter 21, Texas Education Code, by adding Section 21.1111; and declaring an emergency."

To Committee on Education.

By Senators Bernal and Mauzy:

S. B. No. 190, A bill to be entitled "An Act relating to presidential preference primaries and selection of delegates to national political conventions; amending the Texas Election Code as follows: amending Subsection (b), Section 187, as amended (Article 13.09, Vernon's Texas Election Code); and adding Sections 236a and 236b; and declaring an emergency."

To Committee on Privileges and Elections.

By Senator Moore:

S. B. No. 191, A bill to be entitled "An Act defining Public Utilities, and providing for their regulation; providing for the creation of the 'Public Utilities Commission of Texas' and for the appointment of Commissioners and the fixing of their qualifications and compensation and prescribing their duties and powers and the manner in which the jurisdiction and power herein conferred shall be exercised; providing for employees and salaries; providing for hearings and appeals and other procedure for regulation; providing for appeals to the courts and the procedures in the courts; preventing the unnecessary duplication of facilities; and providing for the repeal of all laws and parts of laws in conflict herewith.

To Committee on State Affairs.

By Senator Bernal:

S. B. No. 192, A bill to be entitled "An Act relating to the authority of counties to set water quality standards which are as stringent or more stringent than the standards set by the Texas Water Quality Board; amending Section 3.14, Subchapter C, and adding Section 5.06 to Subchapter E, the Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Environment.

By Senator Bernal:

S. B. No. 193, A bill to be entitled "An Act relating to the authority of counties to set standards for air pollution which are as stringent or more stringent than those set by the Texas Air Control Board; amending to add Section 5.06 to Subchapter E, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Environment.

Senate Concurrent Resolution 15

Senator McKool offered the following resolution:

S. C. R. No. 15, Requesting the University Interscholastic League to take whatever action is necessary to allow private schools to become members so long as they are willing to abide by the other rules and regulations of the League.

McKOOOL
HERRING
HALL

The resolution was read.

On motion of Senator McKool, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 16

Senator Watson offered the following resolution:

S. C. R. No. 16, Memorial resolution for Allan Pershing Brandes, Sr.

The resolution was read.

On motion of Senator Watson, and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

Senate Concurrent Resolution 17

Senator Herring offered the following resolution:

S. C. R. No. 17, Expressing appreciation to KLRN-TV for their splendid effort on behalf of the people of Texas.

The resolution was read.

On motion of Senator Herring, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Resolution 164 Referred

S. R. No. 164, by Senator Bernal (which was read first time on Monday, February 1, 1971) was referred to Committee on State Affairs.

Message From the House

Hall of the House of Representatives
Austin, Texas,
February 2, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 18, Commending Police Officer Jerry Rangel and inviting him to address a Joint Session of the Texas Legislature.

H. C. R. No. 19, In memory of John Ben Shepperd, Jr.

H. C. R. No. 21, In honor of Cato Sells Hightower.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**House Concurrent Resolution 21
on Second Reading**

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 21, Paying tribute to Cato Sells Hightower for his ability and accomplishments on the occasion of his retirement as Chief of Police and Public Safety Director of the City of Fort Worth.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Brooks, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Kennard the resolution was adopted.

**House Concurrent Resolution 18 on
Second Reading**

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 18, Commending Jerry Rangel for his recent and daring undercover work to expose drug abuse and inviting him to address a Joint Session on Tuesday, February 9, at 11:30 o'clock a.m.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Kothmann, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Bernal, the resolution was adopted.

Message From the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
February 2, 1971.

To the Senate of the Sixty-second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Texas Industrial Commission, for six-year terms to expire February 15, 1977: Chester C. Wine, Corpus Christi, Nueces County, Texas. Mr. Wine is being reappointed to the Commission. Andrew B. "Stormy" Shelton of Abilene, Taylor County, Texas, to replace Charles W. Brown, of McCamey, Upton County, whose term is expiring. To fill the unexpired term of Mack M. Stripling, Nacogdoches County, resigned, term to expire February 15, 1973: Homer Lee Bryce of Henderson, Rusk County, Texas.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Communication from Supreme Court

The following communication received from the Chief Justice of the Supreme Court was read and was referred to the Committee on Nominations:

January 20, 1971.

Honorable Charles Schnabel
Secretary
State Senate
Capitol Station
Austin, Texas 78711

Dear Mr. Schnabel:

On November 11, 1969, The Supreme Court of Texas appointed Honorable Howard C. Davison, District Judge of the 99th District Court, and Honorable Homer E. Stephenson, Associate Justice of the Court of Civil Appeals for the Ninth Supreme Judicial District to six-year terms on the State Judicial Qualifications Commission, such terms to end on November 19, 1975, and appointed Honorable Clarence A. Guittard, District Judge of the 14th Judicial District to an unexpired term on said Commission ending on November 19, 1971.

The place of Honorable Clarence A. Guittard, having been automatically vacated on January 1, 1971, by virtue of his taking the oath as an Associate Justice of the Court of Civil Appeals, The Supreme Court on the 18th day of January, 1971, did appoint Honorable R. C. Vaughan, Judge of the 15th District Court to fill the remainder of such unexpired term ending on November 19, 1971.

The Supreme Court of Texas respectfully asks the advice and consent of the Senate to these appointments.

Copies of the Court Orders are attached hereto.

Respectfully yours,
ROBERT W. CALVERT

RWC:ifp
Enclosures

House Concurrent Resolution 19 on Second Reading

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 19, Memorial resolution for John Ben Shepperd, Jr.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Pat-

man, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Snelson, the resolution was adopted by a rising vote of the Senate.

Memorial Resolutions

S. R. No. 169—By Senator Watson: Memorial resolution for John E. Whitby.

S. R. No. 171—By Senator Watson: Memorial resolution for James Leath.

S. R. No. 173—By Senator Snelson: Memorial resolution for Mrs. Mae M. Ament.

Welcome and Congratulatory Resolutions

S. R. No. 168—By Senator Watson: Extending congratulations to Henry Collins.

S. R. No. 170—By Senator Watson: Extending appreciation to H. C. (Hank) Schulte.

S. R. No. 172—By Senator Watson: Extending congratulations to student leaders from East Asia participating in "The Experiment in International Living."

S. R. No. 174—By Senator Watson: Extending welcome to Otis Gardner.

S. R. No. 175—By Senator Watson: Extending welcome to Mrs. Polly Cole, et al.

S. R. No. 176—By Senator Watson: Extending welcome to Harvey Davis.

S. R. No. 177—By Senator Watson: Extending welcome to Mr. and Mrs. Ted Myatt.

S. R. No. 178—By Senator Herring: Extending welcome to teachers and students from Fourth Grade, Becker Elementary School.

S. R. No. 179—By Senator Watson: Extending welcome to J. M. Moor-

ton: Extending welcome to Mr. and Mrs. B. N. Kutcher, et al.

Adjournment

On motion of Senator Aikin, the Senate at 11:44 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

FOURTEENTH DAY

(Wednesday, February 3, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Creighton

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Herring.

Reports of Standing Committees

Senator Herring submitted the following reports for the Committee on Jurisprudence:

S. B. No. 66.